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**ROBERT H. SHEMWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA**

**UNITED STATES DISTRICT COURT**

**WESTERN DISTRICT OF LOUISIANA**

**LAFAYETTE-OPELOUSAS DIVISION**

**SWINEY CAESAR**

**CIVIL ACTION NO. 07-1769**

**VS.**

**JUDGE HAIK**

**STATE FARM FIRE &  
CASUALTY CO.**

**MAGISTRATE JUDGE METHVIN**

***JURISDICTIONAL REVIEW RULING***

This diversity case was removed from a local state court pursuant to 28 U.S.C. § 1332. As required by a standing order of this court, the undersigned has reviewed the record and concludes that the jurisdictional amount has been established in this diversity case.

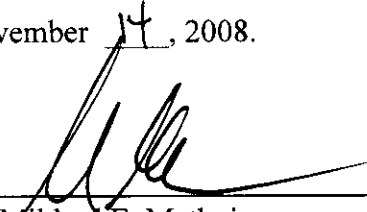
Plaintiff alleges that: State Farm issued him a policy with limits of \$111,300.00 for dwelling; \$11,130.00 for dwelling extension, and \$83,475.00 for contents to insure his property located in Calcasieu Parish, Louisiana that was damaged as a result of Hurricane Rita; State Farm under-adjusted the damage, forcing him to attempt to repair a portion of his home that is likely totaled; and he spent funds that, in hindsight, should not have been spent and would not have been spent had State Farm performed a fair adjustment initially.

In addition to contractual benefits, plaintiff alleges violations of La. R.S. 22:658 and/or La. R.S. 22:1220, and he seeks additional damages as authorized by these statutes, as well as reasonable penalties and attorney's fees. Plaintiff also seeks damages for additional living expenses, additional damages and deterioration to his property, grief, mental anguish, worry, and associated damages.

Plaintiff requested a trial by jury which requires an amount in controversy of at least \$50,000.<sup>1</sup>

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana on November 14, 2008.

  
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Mildred E. Methvin  
United States Magistrate Judge  
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Lafayette, Louisiana 70501  
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<sup>1</sup> La. Code of Civil Procedure, art. 1732.